THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 20176 of 1997

13-06-2007

Between:

G. Rami Reddy

Petitioner

And

The Primary Agricultural Co-operative Society,
Rebarthi, Warangal district
rep., by its President and three others.

Respondents

THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 20176 of 1997

Oral Order:

Petitioner's grievance as per the writ petition initially instituted is that the first respondent has not admitted him to duty as a Secretary of the first respondent-Primary Agricultural Co-operative Society (for short 'the PACS'). The petitioner states that he initially joined service as Secretary in the PACS, Venkatapur in the year 1984. After the introduction of Section 116-AA in the Andhra Pradesh Co-operative Societies Act, 1964 (for short 'the Act') certain categories of services of PACS were de-

caderized and the petitioner was allotted to the first respondent-Society in 1993 under Rule 72 of the Andhra Pradesh Co-operative Society Rules, 1964.

The first respondent by a communication dated 20-12-1995 surrendered the petitioner to the third respondent alleging financial irregularities by the petitioner during his service in the first respondent-Society. The third respondent by a communication dated 04-06-1996 intimated the first respondent that as per the circular of the Registrar of Co-operative Societies, there is no provision for surrender of a Secretary to the District Co-operative Bank; and if the services of the petitioner were not satisfactory, the Society was at liberty to take appropriate disciplinary action against him.

On 20-05-1996, the petitioner addressed the third respondent stating that the first respondent had surrendered the petitioner; that as per letter dated 04-06-1996, the PACS, Laxmipuram to which he was directed was declining to admit into duty; and since he is willing to work in PACS, Laxmipuram, the third respondent may transfer him to PACS, Laxmipuram on deputation.

The third respondent has filed a counter affidavit alleging certain serious irregularities in the functioning of the petitioner in the first respondent-Society including unauthorized absence for long periods and stating that by letter dated 29-12-1995 the first respondent had surrendered the service of the petitioner to which the third

respondent by his letter dated 04-06-1996 called upon the first respondent to take him back to duty. The counter of the third respondent further states that the first respondent by a letter dated
18-06-1996 informed that the first respondent had removed the petitioner from its service.

There is no reply by the petitioner on record. The averment in the third respondent's counter that the first respondent had removed the petitioner from service remains un-rebutted. If the petitioner has been removed from service by the first respondent, the petitioner can have no remedy in a writ petition under Article 226 of the Constitution of India. In view of the law declared by a Full Bench of this Court in ***Sri Konaseema Co-op. Central Bank Ltd., vs. N. Seetharamaraju***[1] the first respondent not being a State, the service grievance of the petitioner with the first respondent has no public law disposition warranting adjudication under Article 226 of the Constitution of India. The petitioner must pursue his remedies elsewhere if there is a provision under the Act. The petitioner may alternatively seek appropriate relief from a Civil Court of competent jurisdiction. In any event, a remedy under Article 226 of the Constitution of India is excluded.

For the aforesaid reasons, the writ petition is dismissed. The petitioner is however at liberty to pursue the appropriate alternative remedy in accordance with

law. No costs.

GODA RAGHURAM, J

Dated: 13-06-2007
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[1] AIR 1990 A.P. 171